

00862.023509.



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
HIDEYUKI NISHIDA, et al. ) Examiner: Pia Florence Tibbits  
Application No.: 10/806,162 ) Group Art Unit: 2838  
Filed: March 23, 2004 )  
For: RECHARGEABLE BATTERY, )  
AND APPARATUS AND )  
METHOD OF CHARGING THE )  
SAME ) June 22, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

Sir:

This is in response to the Office Action dated May 22, 2006.

Initially, Applicants note that the Office Action Summary contains a typographical error. In particular, Claim 11 has been omitted from the list of pending claims.

The Office Action requires that a --PRIOR ART-- legend be added to Figure 1. This has been attended to in the replacement drawing sheet submitted herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

June 22, 2006  
(Date of Deposit)

Damond E. Vadnais, Reg. No. 52,310  
(Name of Attorney for Applicant)

Signature

June 22, 2006  
Date of Signature

The Office Action enters an election of species requirement, alleging that the claims are directed to six patentably distinct species. This requirement is respectfully traversed.

A species is an embodiment of the invention. See MPEP §§ 806.04 and 806.04(e). The subject application identifies two such embodiments: "First Embodiment" (see description beginning at page 7, line 13); and "Second Embodiment" (see description beginning at page 18, line 18). Accordingly, it is believed to be impossible to have a six-way election of species requirement. As such, Applicants are unable to make an election of one of the six alleged species.


If election is required, Applicants hereby elect the species of the "First Embodiment", and submit that all pending claims (Claims 1 to 11) read on the elected species.

Reconsideration and withdrawal of the election of species requirement are respectfully requested.

The application is believed to be in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicants' undersigned attorney may be reached in our Costa Mesa,  
California office at (714) 540-8700. All correspondence should continue to be directed to  
our below-listed address.

Respectfully submitted,

  
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Damond E. Vadnais  
Attorney for Applicants  
Registration No. 52,310

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3800  
Facsimile: (212) 218-2200

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